


Exhibit “A”

Plaintiff's Complaint



RYAN ALEXANDER
Nevada Bar No. 10845
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3017 West Charleston Blvd., Ste. 10
Las Vegas, NV 89102
Phone: (702) 868-3311
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Attorney for Plaintiff

CASE NO: A-20-827150-C
Department 4

**DISTRICT COURT
CLARK COUNTY, NEVADA**

CYNTHIA JONES-BATES, a, an Individual;
Plaintiff,

v.

WAL-MART STORES, INC., a Delaware
Corporation doing business as WAL-MART;
DOES I-X, unknown persons; and ROE
Corporations I-X;
Defendants.

Case No.:
Dept. No.:

COMPLAINT

CAUSES OF ACTION:
(1) Negligence

COMES NOW, Plaintiff CYNTHIA JONES-BATES ("Plaintiff" and "BATES"), by and through her attorney of record, Ryan Alexander, Esq., as and for her Complaint against Defendants WAL-MART STORES, INC., a Delaware Corporation, DOES I through X, inclusive, and ROE CORPORATIONS I-X, inclusive (collectively, "Defendants"), and hereby complains, alleges and states as follows:

PARTIES

1. Plaintiff CYNTHIA JONES-BATES is an individual who resides in Clark County, Nevada.
2. Defendant WAL-MART STORES, INC. is a Delaware Corporation doing business as WALMART in Clark County, Nevada.
3. The true names and capacities, whether individual, corporate, associate or otherwise of other Defendant hereinafter designated as DOES I-X, inclusive, and/or ROE CORPORATIONS I-X, inclusive, who are in some manner responsible for injuries described herein, are unknown at this time. Plaintiff, therefore, sues said Defendant by such fictitious names and will seek leave of the Court to amend this Complaint to show their true names and capacities when ascertained.
4. Upon information and belief, at all times pertinent, Defendant were agents, servants, employees or joint ventures of every other Defendant herein, and at all time mentioned hereinafter were acting

1 within the scope and course of said agency, employment, or joint venture, with knowledge and
2 permission and consent of all other Defendants.

3 5. The Defendants are jointly and severally liable for each defendant's actions.
4

5 **JURISDICTION AND VENUE**

6 6. Venue is proper in Clark County, Nevada pursuant to NRS 13.040.

7 7. The exercise of jurisdiction by this Court over each Defendant in this civil action is proper
8 pursuant to NRS 14.065.

9 8. The incident for which Plaintiffs complains and for which Defendants are liable arises out of
10 negligence of WALMART in Clark County, Nevada.
11

12 **GENERAL ALLEGATIONS**

13 9. Defendant WAL-MART owns, operates, manages and controls the premises and building known
14 as WALMART NEIGHBORHOOD MARKET ("WALMART"), at 6151 W Lake Mead Blvd, Las
15 Vegas, NV 89108.

16 10. At all the times hereinafter mentioned, the defendant WALMART was in control of the
17 management of said retail store and was held out to the public by the Defendant as the "proprietor"
18 thereof.

19 11. Defendant WALMART employed attendants, to attend the common areas of their premises,
20 and to assist persons lawfully using said premises and maintaining the facilities.

21 12. On or about October 2, 2019, BATES was walking in WALMART as a customer when she
22 slipped on a food substance on the floor near the produce section of the store.

23 13. The food substance appeared to be a fruit or vegetable.

24 14. WALMART employees were located throughout the store, but none of the employees cleaned
25 up the food substance, allowing it to remain a slipping hazard.

26 15. Alternately, WALMART employees put the food substance on the floor themselves, causing
27 the hazard.

28 16. There were no warning signs or cones indicating that debris was on the floor.

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1 17. Defendants knew or should have known that there was a food substance on the floor and that
2 it was a hazard to invitees.

3 18. There were no caution signs or warnings of anything on the floor.

4 19. There were no warnings that the floor was in an unsafe or slippery condition.

5 20. Plaintiff has suffered physical injuries as a result of the fall, including damage to her head,
6 extremities, upper and lower back, abdomen and knees. As a result of the incident, Plaintiff has
7 suffered pain and has lost mobility. Plaintiff continues to suffer and will suffer pain from the injuries
8 in the incident.

9 21. Plaintiff has incurred medical expenses in excess of \$55,000.00 as a result of the fall and
10 incurred damages in excess of \$75,000.

11 22. Plaintiff suffered economic losses and adverse employment effects from the incident.

12
13 **FIRST CLAIM FOR RELIEF**

14 *(Negligence)*

15 23. Plaintiff hereby repeats and alleges all previous paragraphs, as though fully set forth herein.

16 24. Plaintiff fell as aforesaid, by reason of the negligence of the Defendants in failing to clean and
17 keep dry the grounds of said premises of said corporate defendant; in maintaining said floor in a
18 condition dangerous to the life and limb of persons lawfully using same, in that they failed to clean
19 the floor of debris; in maintaining said floor in a slippery condition, dangerous to the life and limb of
20 persons using the same; in failing to use proper cleaning and maintenance standards, and to exercise
21 proper care, or to remedy the slippery condition of the floor to the aforesaid premises with protective
22 strips, coatings or warning signs and cones.

23 25. Defendants failed to maintain the floor of their facility in reasonably safe condition for use.

24 26. Defendants knew or should have known about the condition of the floor.

25 27. Defendants knew that broken merchandise, employees or other invitees of WALMART may
26 cause debris or fluids to fall onto the floor and cause a danger to Plaintiff that was foreseeable.

27 28. Alternately, WALMART knew that employees may leave the floor in a wet or unsafe
28 condition due to liquids and/or debris.

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29. Defendants and its attendants failed to take reasonable precautions against the foreseeable dangerous condition caused by employees or other invitees.

30. Defendants failed to exercise due care for the safety of the Plaintiff or other patrons or employees of the WALMART on the premises.

31. Upon information and belief, Defendants knew of prior incidents of similar dangerous conditions of liquids or slick substances on the floors being caused on the premises by other persons, or by broken merchandise, and the Defendant had notice or knowledge of those incidents.

32. The doctrine of *res ipsa loquitur* is applicable to Plaintiff's action against Defendants herein, in that at the time that Plaintiff fell, the floor was under the exclusive control of Defendants. If Defendants had cleaned or maintained the floor with reasonable care, instead of in a negligent manner, then, in the ordinary course, Plaintiff would not have fallen as alleged herein.

33. As a result of Defendants' negligence, Plaintiff has suffered physical and emotional pain.

34. As such, Defendant is responsible for damages in excess of \$15,000.00.

35. Because of Defendants' acts or omissions, Plaintiff has been required to incur further attorneys' fees and costs in bringing this action and request that the Court grant said fees and costs.


PRAYER FOR RELIEF

WHEREFORE, Plaintiff is entitled to judgment in his favor and against Defendants, jointly and severally, as follows:

1. For judgment in an amount in excess of \$15,000.00;
2. For all costs and all attorneys' fees incurred and accrued in these proceedings;
3. For interest thereon at the legal rate until paid in full; and
4. For such other and further relief as the Court may deem just and proper.

Dated December 30, 2020.

RYAN ALEXANDER, CHTD.



RYAN ALEXANDER
Nevada Bar No. 10845
Attorney for Plaintiff

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

CASE NO: A-20-827150-C
Department 4**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Cynthia Jones-Bates	Defendant(s) (name/address/phone): Wal-Mart Stores Inc.
	C/O Corporation Trust Co. of Nevada
	701 S. Carson St. #200
	Carson City, NV 89701
Attorney (name/address/phone): Ryan Alexander, Esq. NV Bar No. 10845	Attorney (name/address/phone):
RYAN ALEXANDER, CHTD.	
3017 W. Charleston Blvd. Ste. 10, Las Vegas NV 89102	
Phone: (702) 868-3311 Fax: (702) 822-1133	

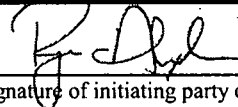
II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

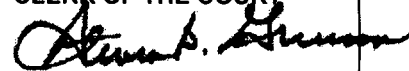
12/30/20

Date


 Signature of initiating party or representative

See other side for family-related case filings.

Electronically Filed
12/30/2020 10:30 AM
Steven D. Grierson
CLERK OF THE COURT



IAFD
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**INITIAL APPEARANCE FEE
DISCLOSURE**

Pursuant to Nevada Revised Statutes, Chapter 19, filing fees are submitted herewith for parties
appearing in the above-entitled action as indicated below:

<u>CYNTHIA JONES-BATES</u>	\$ 270.00
TOTAL REMITTED:	\$ 270.00

Dated December 30, 2020.

RYAN ALEXANDER, CHTD.



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